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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
09/901,873	07/09/2001	Clifton T. Knight	70055	5953

7590 01/13/2005

McGLEW AND TUTTLE, P.C.
SCARBOROUGH STATION
SCARBOROUGH, NY 10510-0827

EXAMINER

DEL SOLE, JOSEPH S

ART UNIT	PAPER NUMBER
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1722

DATE MAILED: 01/13/2005

Please find below and/or attached an Office communication concerning this application or proceeding.

Advisory Action

Application No.

09/901,873

Applicant(s)

KNIGHT ET AL.

Examiner

Joseph S. Del Sole

Art Unit

1722

--The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

THE REPLY FILED 12/29/04 FAILS TO PLACE THIS APPLICATION IN CONDITION FOR ALLOWANCE. Therefore, further action by the applicant is required to avoid abandonment of this application. A proper reply to a final rejection under 37 CFR 1.113 may only be either: (1) a timely filed amendment which places the application in condition for allowance; (2) a timely filed Notice of Appeal (with appeal fee); or (3) a timely filed Request for Continued Examination (RCE) in compliance with 37 CFR 1.114.

PERIOD FOR REPLY [check either a) or b)]

- a) ☒ The period for reply expires 3 months from the mailing date of the final rejection.
b) ☐ The period for reply expires on: (1) the mailing date of this Advisory Action, or (2) the date set forth in the final rejection, whichever is later. In no event, however, will the statutory period for reply expire later than SIX MONTHS from the mailing date of the final rejection. ONLY CHECK THIS BOX WHEN THE FIRST REPLY WAS FILED WITHIN TWO MONTHS OF THE FINAL REJECTION. See MPEP 706.07(f).

Extensions of time may be obtained under 37 CFR 1.136(a). The date on which the petition under 37 CFR 1.136(a) and the appropriate extension fee have been filed is the date for purposes of determining the period of extension and the corresponding amount of the fee. The appropriate extension fee under 37 CFR 1.17(a) is calculated from: (1) the expiration date of the shortened statutory period for reply originally set in the final Office action; or (2) as set forth in (b) above, if checked. Any reply received by the Office later than three months after the mailing date of the final rejection, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

1. ☐ A Notice of Appeal was filed on _____. Appellant's Brief must be filed within the period set forth in 37 CFR 1.192(a), or any extension thereof (37 CFR 1.191(d)), to avoid dismissal of the appeal.
2. ☐ The proposed amendment(s) will not be entered because:
(a) ☐ they raise new issues that would require further consideration and/or search (see NOTE below);
(b) ☐ they raise the issue of new matter (see Note below);
(c) ☐ they are not deemed to place the application in better form for appeal by materially reducing or simplifying the issues for appeal; and/or
(d) ☐ they present additional claims without canceling a corresponding number of finally rejected claims.

NOTE: _____

3. ☒ Applicant's reply has overcome the following rejection(s): See Continuation Sheet.
4. ☐ Newly proposed or amended claim(s) _____ would be allowable if submitted in a separate, timely filed amendment canceling the non-allowable claim(s).
5. ☐ The a) ☐ affidavit, b) ☐ exhibit, or c) ☐ request for reconsideration has been considered but does NOT place the application in condition for allowance because: _____.
6. ☐ The affidavit or exhibit will NOT be considered because it is not directed SOLELY to issues which were newly raised by the Examiner in the final rejection.
7. ☒ For purposes of Appeal, the proposed amendment(s) a) ☐ will not be entered or b) ☒ will be entered and an explanation of how the new or amended claims would be rejected is provided below or appended.

The status of the claim(s) is (or will be) as follows:

Claim(s) allowed: 16,23, 24 and 25.

Claim(s) objected to: _____

Claim(s) rejected: 1-8,10-15,17 and 18.

Claim(s) withdrawn from consideration: _____

8. ☐ The drawing correction filed on _____ is a) ☐ approved or b) ☐ disapproved by the Examiner.
9. ☐ Note the attached Information Disclosure Statement(s) (PTO-1449) Paper No(s). _____.
10. ☐ Other: _____

Continuation of 3. Applicant's reply has overcome the following rejection(s): the 35USC112 rejection of paragraph 4 of the Office action of 9/29/04.

RESPONSE TO AFTER FINAL REMARKS

Response to Arguments

1. Applicant's arguments with regard to art rejections, filed 12/29/04, have been fully considered but they are not persuasive.

The Applicant's amendments to overcome the objections to the specification and the claims, as well as the 112 2nd rejection of claim 25, are accepted and those objections and rejections are overcome.

The Applicant's cancellation of claims 9 and 19-22 is acknowledged.

The Applicant argues that the Swickard reference does not produce a uniform heating across the die, since the length and the area in the heating channels and in the inlet/outlet header are different.

While this may be true, such an argument does not set forth structural differences between the reference and the apparatus as claimed.

The Applicant argues that the Applicant's invention of Figure 7 and the claims include "heating medium conduits including at least one conduit adjacent to each polymer channel for heating the polymer channel" and that this is crucially different from the Swickard reference.

The Examiner disagrees, because as shown in the Office action of 9/29/04 at page 4, lines 1-2 and shown in Fig 5 of the reference, Swickard does teach a conduit adjacent to each polymer channel.

The Applicant argues that the passageways (50) of the Swickard reference start from (34) and move radially to (40), then travels down (45) to return passageways and

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out to (35) and that this traffic occurs perpendicular to the longitudinal rows of orifices (60).

The Examiner disagrees. While some traffic may be seen as to occur perpendicular to the longitudinal rows of orifices, Swickard does teach conduits adjacent to each polymer channel. Such conduits are shown by #50 in both of Figures 3 and 5.

The Applicant argues that the Yoshii reference fails to provide a heating channel that is adjacent to the polymer channel and that the header design cannot provide a uniform heating for the heat channels.

The Examiner disagrees. Heating conduits 9, 10 and 8 provide conduits adjacent to each polymer channel and thus teaches the claimed structural features. Whether the structure of Yoshii provides a uniform heating is moot because such a recitation is a process limitation that does not provide a structural limitation. The claims must be structurally differentiated from the prior art.

The Applicant argues that the geometry pattern as claimed in claim 8 and described in the specification is different than the prior art.

The Examiner disagrees, as broadly claimed the geometry pattern is taught by the prior art. Although the geometry pattern as described in the specification may or may not be different from the prior art, such structural differences are not embodied by the claim in such a manner as to overcome the prior art.

The Applicant argues that the present invention as claimed has the advantage of providing a polymer channel with optimal pellet quality.

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While this may be true, structural differences to achieve this are not set forth in the claims such that the claims overcome the prior art.

The Applicant argues that there must be some suggestion or teaching in the prior art as a whole which would lead the person of ordinary skill in the art to provide the combination as claimed.

The Examiner disagrees, such motivation has been provided in the previous Office action. The Applicant does not set forth why the motivation provided by the Examiner is deficient.

Correspondence

Any inquiry concerning this communication or earlier communications from the Examiner should be directed to Joseph S. Del Sole whose telephone number is (571) 272-1130. The examiner can normally be reached on Monday through Friday from 8:30 A.M. to 5:00 P.M.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Mr. Benjamin Utech, can be reached at (571) 272-1137. The official fax phone number for the organization where this application or proceeding is assigned is (703) 872-9306 for both non-after finals and for after finals.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from the either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on the access to the Private PAIR system, contact the Electronic Business Center (EBC) at 886-217-9197 (toll-free).


J.S.D.

January 11, 2005